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RUCNASE/ASEAN MEMBER COLLECTIVE

UNCLAS SECTION 01 OF 02 VIENTIANE 000260

DEPARTMENT FOR CA/FPP (OVERSTROM)
DEPARTMENT FOR CA/VO/F/P

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SUBJECT: CORRECTED COPY: VIENTIANE K-1 FIANCE VISA VALIDATION STUDY

REF: 06 Guangzhou 32403

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11. (U) SUMMARY: Vientiane's Fraud Prevention Unit (FPU) conducted a validation study of 209 issued K-1 visas from 2004. FPU confirmed fraud in 14% of the sample population. The highest fraud group derived from male beneficiaries, beneficiaries from remote, rural provinces, and petitioners and beneficiaries who shared more than a 20 year age difference. Post conducted this validation study because of the high level of immigrant visa fraud found in its workload. Stretched officer hours, a rapidly increasing caseload, and a lack of Hmong language ability for interviewing officers and the subsequent reliance on Hmong translators are the three greatest limitations on improving efficiency in fraud prevention and detection. Post will continue to work with the Regional Fraud Prevention Manager, the Regional Security Officer, and local law enforcement to increase the effectiveness of its fraud prevention efforts. END SUMMARY.

Background on Laos

12. (U) Vientiane is a medium level fraud post. The main contributors to fraud in Laos are the large proportion of the population with family ties in the U.S., and the intention of many to work illegally in the U.S. Nearly all of the K-1 petitioners come from two of Laos's 49 official ethnic groups: the ethnic Lao and the Hmong. Few applicants complete the K-1 application process by themselves, relying heavily on visa and translation services and brokers. Marriage in Laos of Lao nationals to foreigners is a long, expensive and cumbersome legal process, often taking six months to a year to complete. Therefore, most American petitioners choose the K-1 visa over a marriage in Laos.

Methodology

13. (U) FPU used the NIV Applicant Case Full Report in the CCD for all K-1 issued cases in NIV from January 1, 2004 and December 31, 2004, which showed a total of 454 cases. A randomly selected sample size of 209 was deemed sufficient to produce an estimate with 95 percent accuracy, with a plus or minus five percent margin of error. After analyzing the data, post submitted these cases to USCIS in Bangkok to receive a copy of their CLAIMS data. Records received included forms I-485 (Application for Legal Permanent Residents), I-181 (Memorandum of Creation of Record for Lawful Permanent Residence), and I-751 (Petition to Remove Conditions on Residence). Information from these forms also enabled a comparison of data to the initial I-129F (fianc visa petition).

¶4. (U) A three-part procedure was performed to determine whether fraud existed in these cases. First, fraud indicators from the K-1 beneficiary's DS-156 and I-129F were recorded, along with indicators from PIERS and Lexis-Nexis (L/N) checks on the petitioner and ex-spouse. Second, FPM compiled a phone sheet to track responses and call attempts. Investigators verified who the beneficiary married; how long the beneficiary stayed with the petitioner, if divorced; and the number of children, if any, the petitioner and beneficiary had. In cases where the beneficiary left the marriage, the Fraud Prevention Manager (FPM) inquired why, where, when and with whom. Lastly, the FPM weighed the background and phone call notes and compared them with CLAIMS data.

Validation Results and Trends

¶5. (U) After all checks were completed, FPU confirmed that 178 beneficiaries (86%) remained married to their petitioners, or returned to Laos, or married their petitioners for at least three years before divorcing or separating. FPU found fraud in 28 cases (14%). Of these, 12 cases (42%) involved fraud on the petitioner's part, especially where the petitioner was found to be cohabitating with an ex-spouse immediately before, during, and/or after the filing of the K-1 petition. The remaining 16 cases appear to be those where the beneficiary may have "jumped ship" quickly after arrival in the U.S., was a relative of the petitioner, or remained with the petitioner only until conditional status was removed.

¶6. (U) Analysis of the data suggests that cases involving female beneficiaries over 35 years old and male petitioners over 45 are at higher risk of fraud (42% and 33% respectively). Male beneficiaries are a high fraud factor with three of five cases showing fraud (60%). Age differences were a potent gauge of fraud potential.

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Petitioners younger than the beneficiary had a 50% fraud level. Young petitioners/beneficiaries with less than five years apart had only a 10% fraud rate; those with a 5-20 year gap about a 15% fraud rate. The biggest confirmed fraud group involved age gaps of more than 20 years (25-33%). Beneficiaries with previous marriages were only four percent of the sample, but had a 36% fraud rate. Petitioners with previous marriages were 61% of the sample, with an 18% fraud rate. Beneficiaries from remote, rural provinces boasted a 45% fraud rate, possibly due to a higher incidence of arranged marriages and higher polygamy levels.

Significance

¶7. (U) Post conducted this validation study because of high immigrant visa fraud, mostly in the form of sham relationships. The 14% percent confirmed fraud rate illustrates that some relationships arranged simply for immigration purposes have succeeded in gaining visas. Post is working closely with U.S. Citizenship and Immigration Services (USCIS), the Regional Fraud Prevention Manager (RFPM), and Lao authorities in order to reduce the number of fraudulently obtained K-1 visas. Post has already requested the RFPM and a Locally Employed Staff (LES) investigator to sift through pending K-1/K-3 visa cases for fraud detection. Also, the hiring of an additional LES in the consular section will allow more time and resources to be dedicated to K-1 case review. FPU concludes that stretched officer hours, a rapidly increasing caseload, and the reliance on Hmong language translators for interviewing officers are the three greatest limitations on improving fraud prevention and detection.

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